

APR 29 1996



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Robert B. Murray  
Nikaido, Marmelstein, Murray & Oram  
655 Fifteenth St. N.W. Suite 330  
Washington, D.C. 20005-5701

Re: Patent Term Extension  
Application for  
U.S. Patent No. 4,562,073

Dear Mr. Murray:

A certificate under 35 U.S.C. § 156 is enclosed extending the term of U.S. Patent No. 4,562,073 ('073 patent) for a period of 1,344 days from the original expiration date of the patent, June 6, 2003.<sup>1</sup> It is noted that the expiration date of the patent was set by a terminal disclaimer which stated: "[t]he Assignee . . . hereby disclaims any terminal portion of the patent to be issued from the above-identified application, which terminal portion exceeds the expiration date of any patent issued from commonly-assigned United States patent application serial number 501,560, filed June 6, 1983." Application No. 501,560 issued as U.S. Patent No. 4,529,592 (the '592 patent) on July 16, 1985. The required maintenance fees for the '592 patent have been paid when due, accordingly, the '592 was a patent in force on June 8, 1995, the effective date of the Uruguay Round Agreements Act (URAA). The URAA amended 35 U.S.C. § 154 to change the term of many patents, such as the patents discussed herein, from a term of 17 years to a term of 20 years from the filing date. Accordingly, the expiration date of the '592 patent became June 6, 2003, which is 20 years after the filing date of the '560 application. Since the terminal disclaimer sets the expiration date of the '073 patent to be the same as the '592 patent, the URAA changed the expiration date of the '073 patent to June 6, 2003.

Hiram A. Bernstein  
Senior Legal Advisor  
Special Program Law Office  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects

(703) 305-9285

cc: Ronald L. Wilson, Director  
Health Assessment Policy Staff  
Office of Health Affairs (HFY-20)  
Food and Drug Administration  
5600 Fishers Lane, Room 11-44  
Rockville, MD 20857

RE: ZOSYN  
FDA Docket No.: 94E-0071

<sup>1</sup>See Merck & Co. v. Kessler, 1996 WL 156630. (A patent in force on June 8, 1995 is entitled to have a restoration extension added to the longer term of either the 17 years from issuance or 20 years from filing.)

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE EXTENDING PATENT TERM  
UNDER 35 U.S.C. § 156

PATENT NO. : 4,562,073  
DATED : December 31, 1985  
INVENTOR(S) : Ronald G. Micetich et al.  
PATENT OWNER : Taiho Pharmaceutical Company

This is to certify that there has been presented to the

COMMISSIONER OF PATENTS AND TRADEMARKS

an application under 35 U.S.C. § 156 for an extension of the patent term. Since it appears that the requirements of the law have been met, this certificate extends the term of the patent for the period of

1,344 DAYS

from the original expiration date of the patent, June 6, 2003, subject to the requirements of 35 U.S.C. § 41, with all rights pertaining thereto as provided by 35 U.S.C. § 156(b).



I have caused the seal of the Patent and Trademark Office to be affixed this 25th day of April 1996.

A handwritten signature in cursive script, reading "Bruce A. Lehman".

Bruce A. Lehman

Assistant Secretary of Commerce and  
Commissioner of Patents and Trademarks